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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,576	12/19/2001	Bernhard Raaf	112740-374	8725

29177 7590 02/21/2006

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,576	RAAF, BERNHARD	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25, 29, 32-36, 40 and 42 is/are rejected.
- 7) ☒ Claim(s) 26-28, 30, 31, 37-39 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-19-01, 12-16-02, 2-20-04</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22-25, and 33-36, are rejected under 35 U.S.C 102(e) as being anticipated by Koskela et al. (US PAT: 6,744,742 B1, filed 11-4-1998, hereinafter Koskela).

Regarding claim 22, Koskela discloses a method for controlling transmission power in a radio system, the method comprising the steps of: transmitting information, embedded in a frame and a time slot structure, between a transmitter and a receiver, evaluating a signal, which is received by the receiver from transmitter via a transmission channel in the radio system, producing power adjustment information as a function of the evaluated signal in each time slot and sending the power adjustment information to the transmitter, adjusting the transmission power in the transmitter as a function of the power adjustment information, and transmitting identical power adjustment information from the receiver to the transmitter in a plurality of successive timeslots (col. 3 lines 13-67, and fig. 5, col. 4, line 32 – col. 5, line 47).

Regarding claim 33, Koskela discloses a radio system, comprising: a transmitter in (651, fig. 6), and a receiver in (600, fig. 6) for receiving a signal, which is transmitted

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from the transmitter via a transmission channel in the radio system, and for evaluating the received signal in order to produce power adjustment information as a function of the received signal (fig. 6, col. 6 lines 18-27), wherein the transmitter adjusts the transmission power as a function of power adjustment information received from the receiver, with information being transmitted, embedded in a frame and a timeslot structure, between the transmitter and receiver with a signal, the receiver transmitting identical power adjustment information to the transmitter in a plurality of successive time slots (col. 3 lines 13-67, and fig. 5, col. 4, line 32 – col. 5, line 47).

Regarding claims 23-25, 29 and 34-36, 40, Koskela further teaches the following: the information is transmitted in compressed form in a specific frame such that a section of the frame is not filled with information and, following the section which is not filled with information, the receiver transmits identical power adjustment information to the transmitter in a plurality of timeslots, wherein, following the section which is not filled with information, the receiver transmits identical power adjustment to the transmitter in two successive first and second time slots, wherein the transmission power is adjusted as a function of both power adjustment information received in the first timeslot following the section which is not filled with information and power adjustment information received in a second section following the section which is not filled with information (col. 3 lines 13-67, and fig. 5, col. 4, line 32 – col. 5, line 47), the power adjustment information is produced analogously as a function of discrepancy between a specified signal and a corresponding reference value (col. 5, lines 19-33).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koskela in view of Kaneda et al. (US PAT: 6,343,218 B1, hereinafter Kaneda).

Regarding claim 32, Koskela does not teach the following: power control method is used during a soft handover in the mobile radio system.

However, Kaneda discloses transmission power control which teaches the following: power control method is used during a soft handover in the mobile radio system (fig. 13, col. 1 lines 43-57).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Koskela's system to provide for the following: power control method is used during a soft handover in the mobile radio system as this arrangement would facilitate to reduce interference in the mobile communication system as is well known in the art.

5. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koskela in view of Poutanen (US PAT: 5,457,813).

Regarding claim 42, Koskela does not teach the following: radio system is a CDMA mobile radio system.

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However, Poutanen discloses method for automatic transmission power control in a transceiver suitable for a CDMA environment employing direct sequence diffusion which teaches the following: radio system is a CDMA mobile radio system (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Koskela's system to provide for the following: radio system is a CDMA mobile radio system as this arrangement would facilitate adaptation of another well known system for mobile telecommunications.

6. Claims 26-28, 30-31 and 37-39, 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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